

Wetlands Bureau Decision Report

Decisions Taken
08/18/2008 to 08/24/2008

DISCLAIMER:

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

APPEAL:

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 20 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to Lawrence E. Morse, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

MAJOR IMPACT PROJECT

2007-01665

WOLFEBORO, TOWN OF

WOLFEBORO Unnamed Wetland

Requested Action:

Proposed amendment to increase wetland impacts from 57,196 square feet to 109,236 square feet of jurisdictional wetlands for installation of a wastewater effluent line and access road for a proposed Waste Water Treatment facility further described as follows: Temporarily impact 107628 square feet of palustrine forested wetland for installation of a municipal effluent disposal line and permanently impact 1609 square feet for access road construction to the new facility.

APPROVE AMENDMENT:

Dredge and fill 109,236 square feet of jurisdictional wetland for installation of a wastewater effluent line and access road for a proposed Waste Water Treatment facility further described as follows: Temporarily impact 107628 square feet of palustrine forested wetland for installation of a municipal effluent disposal line and permanently impact 1609 square feet for access road construction to the new facility.

With Conditions:

1. All work shall be in accordance with plans by Wright Pierce plan sheets 9 through 14 dated July 11, 2007, as received by the Department on July 20, 2007 and plan sheets W-3 through W-9 dated August 2008, as received by the Department on August 21, 2008.
2. This permit is contingent on approval by the DES Waste Water Engineering.
3. This permit is contingent on approval by the DES Alteration of Terrain Program.
4. Any further alteration of areas within the Right-of-Way that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
5. Trench plugs shall be installed in accordance with standard construction practices.
6. The applicant shall notify in writing the DES Wetlands Bureau, the Wolfeboro Conservation Commission of their intention to commence construction no less than five (5) business days prior to the commencement of construction and prior to crossing the perennial stream at crossing number 20.
7. Work shall be done during dry conditions this can be due to seasonal low flows or areas isolated by cofferdams.
8. All in-stream work shall be conducted during low flow conditions and in a manner so as to minimize turbidity.
9. Construction equipment shall not be located within surface waters.
10. The equipment crossing of perennial streams shall be in place for no more than 7 days.
11. All equipment crossings to be installed during low flow conditions and shall be in place for no more than 30 days.
12. Spoils may not be temporarily side-cast into stream channels even if they are currently under dry conditions.
13. All in-stream work shall be conducted in a manner so as to minimize the duration of construction in the watercourse. The DES Wetlands Bureau shall be notified in writing where in-stream construction exceeds 48 continuous hours.
14. The Permittee shall monitor the weather and will not commence work within flowing water, including the installation of cofferdams, when rain is in the forecast.
15. Temporary cofferdams shall be entirely removed immediately following construction within the impact area.
16. A qualified professional shall verify that the wetlands to be impacted by construction of the pipeline are labeled appropriately in the field. Wetlands shall be re-flagged as necessary during pre-construction preparation in accordance with the United States Army Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1.
17. Construction shall be monitored by an environmental inspector (i.e., qualified wetland professional, erosion control specialist, or professional engineer) to ensure that appropriate protective measures are properly implemented, including those outlined in the plans and documents supporting this permit application and the conditions of this authorization. The Wetlands Bureau shall be notified in writing of the environmental inspector prior to the start of work and if there is a change of status during the project.
18. Weekly monitoring reports of work and restoration areas prepared by the environmental inspector shall be submitted to the DES Wetlands Bureau via e-mail. These reports shall include photographic documentation of the construction and stabilization efforts and a brief description of the progress of construction.
19. The applicant shall notify DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.

20. Construction workspace within the wetlands shall be limited to the impact areas as depicted on the approved plans.
21. Orange construction fencing shall be placed along wetland boundaries when wetlands are within 25 feet of the proposed construction workspace to prevent accidental encroachment on wetlands.
22. Appropriate siltation/erosion/turbidity controls shall be in place prior to grubbing, shall be maintained during construction, and shall remain until the area is stabilized. Silt fence shall be removed once vegetation has reached 85% coverage.
23. Any clearing required in utility line rights-of-way shall be in accordance with the "Best Management Practices for Erosion Control on Timber Harvesting Operations in New Hampshire." Timber, slash and/or chips shall be removed from wetland areas and shall not be buried in wetlands.
24. All efforts shall be made to fell trees away from wetland resource areas. If a tree should fall into a jurisdictional area it shall be removed immediately.
25. Temporary crossings of surface waters for the purposes of land clearing shall utilize crossing devices in accordance with the "Best Management Practices for Erosion Control on Timber Harvesting Operations in New Hampshire" and shall not be constructed in stream channels greater than 10 feet wide.
26. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during pipeline construction and areas cleared of vegetation shall be revegetated as quickly as possible.
27. The construction right-of-way shall have vegetation cut to grade and protected with geotextile fabric or similar.
28. Dewatering of work areas shall be discharged to sediment basins located in uplands and lined with hay bales or other acceptable sediment trapping liners. Dewatering water shall be discharged away from water bodies, on stable surfaces, in a non-erosive manner. Additionally, all turbid trench dewatering discharged within one-hundred (100) feet of any water body shall be discharged through a filter bag.
29. Topsoil in wetlands shall be stripped and segregated from subsoil during construction. Wetland topsoils shall be stockpiled separately from subsoils and shall be restored following backfill.
30. Spoils adjacent to trenching activities within wetlands jurisdiction shall be placed on geotextile fabrics or similar. All spoils not used for trench backfill shall be removed from jurisdiction.
31. Mulch within the wetland areas shall be seedless straw. Hay shall not be used.
32. Fertilizers and lyme shall not be used within wetland jurisdiction.
33. Wetlands shall be restored to their pre-construction conditions within the right-of-way, including restoration of original grades, within 10 days of backfill.
34. The permittee shall attempt to control invasive, weedy species as listed by the NH Department of Agriculture, by measures agreed upon by the Wetlands Bureau.
36. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
37. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering jurisdictional areas. Faulty equipment shall be repaired prior to entering jurisdictional areas.
38. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
39. Banks shall be restored to their original grades and to a stable condition within two days of completion of construction.
40. Areas outside of the permanent right-of-way from which vegetation has been cleared to gain access to the site shall be allowed to revegetate or be replanted with like native species.
41. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
42. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
43. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
44. Silt fencing must be removed once the area is stabilized.
45. The Environmental Inspector, will be responsible for post-construction monitoring and ensuring that the impact areas are restored in accordance with the approved plans. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary.
46. A summary post-construction report documenting the status of the restored streambed and banks, and wetland restoration shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
47. The right-of-way shall be monitored and a written report documenting its condition shall be submitted to the Wetlands Bureau and the Wolfeboro Conservation Commission by July 15 of the year following construction. The construction report shall include photographic documentation. The Wetlands Bureau shall require subsequent monitoring and may require corrective measures if the

right-of-way is not adequately stabilized and restored.

48. Wetland restoration shall not be considered successful if sites are newly invaded by nuisance species or invasive species during the first full growing season following the completion of construction. The applicant shall work with DES to attempt to eradicate nuisance species newly found along the pipeline right-of-way during this same period.

49. The applicant shall work to prohibit the use of the Right-of-Way by motorized vehicles

50. The permittee or a designee shall conduct a follow-up inspection after the first growing season, to review the success of the restoration areas and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted to NH DES Wetlands and the Wolfeboro Conservation Commission by December 1 of that year. Similar inspections, reports and remedial actions shall be undertaken in at least the second year following the completion of construction.

51. Wetland restoration of temporary impact areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or they shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.

With Findings:

DES reaffirms conditions #1 through #19.

1. This is a major impact project per Administrative Rule Wt 303.02(c), as the project involves alteration of nontidal wetlands, nontidal surface waters, and banks adjacent to nontidal surface waters in excess of 20,000 square feet in the aggregate.
2. The need for the proposed impacts has been demonstrated by the applicant per Rule Wt 302.01.
3. The proposal is an attempt to improve the wastewater treatment facilities in the Town of Wolfeboro and is in response to Order WD-05-014.
4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Rule Wt 302.03.
5. All areas of temporary disturbance will be restored according to the Restoration Plans.
6. The temporary wetland impacts are within an existing Electrical Right-of-Way that has been historically altered and within which the vegetation is maintained.
7. Where possible impact areas have been located within the existing logging road to minimize the impacts on the wetland systems.
8. The applicant has demonstrated by plan and example that each factor listed in Rule Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
9. DES Staff conducted a field inspection of the proposed project on May 18, 2007. The field inspection determined that areas of proposed jurisdictional impacts are unavoidable and the more sensitive areas have been avoided when at all possible.
10. The project impacts will not significantly impair the resources of these wetland ecosystems.
11. All but 1609 square feet of the proposed impacts are temporary in nature and will be restored to preexisting conditions or better.
12. Impacts have been avoided and minimized by reducing the width of the construction right of way within the wetlands, maintaining root systems within wetlands where possible, and limiting time for in-stream work.
13. The project as proposed reduces the amount of impacts to forested areas by utilizing the existing Right-of-Way.
14. The Department conducted a site inspection of the property on May 18, 2007 and found that the existing utility right of way has been cut and is unlikely to be habitat for Small Whorled Pegonia.
15. The applicant has agreed to restore certain areas of previously impacted wetlands.
16. The Town of Wolfeboro has provided information regarding their ability to construct on the properties in question.
17. The majority of the wetlands are isolated wetlands and none of the impact areas occur within 20 feet of property lines.
18. The Wolfeboro Conservation Commission has no objection to the proposal however, they have expressed concerns regarding a monitoring of the restoration of the jurisdictional areas
19. The Tuftonboro Conservation Commission initially intervened on the application but never provided a letter of report.

2008-00492 PETERBOROUGH, TOWN OF
PETERBOROUGH Unnamed Wetland

Requested Action:

Dredge and fill 18,110 sq. ft. and temporarily impact 5,565 sq. ft. of palustrine forested, scrub-shrub wetlands and restore 700 sq. ft. of intermittent stream to construct the 2,800 ft. Monadnock Community Hospital connector roadway. Compensatory mitigation includes wetland creation/restoration of 2.59 acres of existing sewer lagoons adjacent to the Contoocook River.

APPROVE PERMIT:

Dredge and fill 18,110 sq. ft. and temporarily impact 5,565 sq. ft. of palustrine forested, scrub-shrub wetlands and restore 700 sq. ft. of intermittent stream to construct the 2,800 ft. Monadnock Community Hospital connector roadway. Compensatory mitigation includes wetland creation/restoration of 2.59 acres of existing sewer lagoons adjacent to the Contoocook River.

With Conditions:

1. All work shall be in accordance with plans by KV Partners, LLC dated January 2008, as received by the Department on March 28, 2008.
2. This permit is contingent on approval by the DES Alteration of Terrain Program.
3. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.
4. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.
5. The permittee shall notify DES and the local conservation commission in writing of their intention to commence construction no less than five (5) business days prior to construction.
6. Work shall be done during low flow conditions.
7. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
8. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. Orange construction fencing shall be placed at the limits of construction within or directly adjacent to wetlands or surface waters to prevent accidental encroachment on wetlands.
10. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
11. Proper headwalls shall be constructed within seven days of culvert installation.
12. Culverts shall be laid at original grade.
13. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
14. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

RESTORATION/CREATION:

15. This permit is contingent upon the creation/restoration of 2.59 acres of wetlands in accordance with the Wetland Mitigation Plans received March 28, 2008.
16. This permit is contingent upon the restoration of 5,565 sq. ft. of temporary wetlands impact and 700 square feet of intermittent stream channel in accordance with plans received March 28, 2008.
17. The schedule for construction of restoration of the 5,565 square foot temporary impact areas and the 700 square foot intermittent stream area shall coincide with site construction unless otherwise considered and authorized by the DES Wetlands Bureau.
18. This permit is contingent upon the receipt and approval by the DES Wetlands Bureau of the final Memorandum of Understanding that includes relevant mitigation language.
19. Restoration/creation of the 2.59 mitigation area shall be completed in accordance with the approved Memorandum of Understanding.
20. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
21. The permittee shall designate a qualified professional who will be responsible for monitoring and ensuring that the restoration/creation areas are constructed in accordance with the creation/restoration plan. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary. The DES Wetlands Bureau shall be notified in writing of the designated professional prior to the start of work and if there is a change of status during the project.
22. Wetland soils from areas vegetated with purple loosestrife (*Lythrum salicaria*) shall not be used in the wetland

creation/restoration sites. The potential for the establishment of the invasive species should be considered in other areas where spoils may be spread to limit its further establishment.

23. The temporary impact areas shall be regraded to original contours following completion of work.

24. Only native plant species appropriate to the area shall be planted.

25. Seed mix within the restoration/creation areas shall be a wetland seed mix appropriate to the area and shall be applied in accordance with manufacturer's specifications and shall contain no reed canary grass (*Phalaris arundinacea*).

26. Mulch used within the wetland creation/restoration areas shall be natural straw or equivalent.

27. The permittee shall attempt to control invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) by measures agreed upon by the DES Wetlands Bureau if the species is found in the mitigation and restoration areas during construction and during the early stages of vegetative establishment.

28. Wetland creation/restoration areas shall be properly constructed, landscaped, monitored and remedial actions taken that may be necessary to create functioning wetland areas similar to those of the wetlands destroyed by the project. Remedial measures may include replanting, relocating plantings, removal of invasive species, changing soil composition and depth, changing the elevation of the wetland surface, and changing the hydrologic regime.

29. Wetland creation/restoration areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.

30. A post-construction report documenting the status of the completed project with photographs shall be submitted to the DES Wetlands Bureau within sixty (60) days of the completion of construction of each restoration/creation area.

31. The permittee or a designee shall conduct a follow-up inspection after the first growing season, to review the success of the mitigation areas and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year. Similar inspections, reports and remedial actions shall be undertaken in at least the second and third years following the completion of each mitigation site.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(c), projects that involve alteration of nontidal wetlands, nontidal surface waters, and banks adjacent to nontidal surface waters in excess of 20,000 square feet in the aggregate.

2. Compensatory mitigation includes wetland creation/restoration of 2.59 acres of existing sewer lagoons adjacent to the Contoocook River.

3. This permit is contingent upon the receipt and approval by the DES Wetlands Bureau of the final Memorandum of Understanding that includes relevant mitigation language.

4. This permit is contingent upon the restoration of 5,565 sq. ft. of temporary wetlands impact and 700 square feet of intermittent stream channel.

5. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.

6. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

7. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.

8. In accordance with RSA 428-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of the palustrine resource, as identified under RSA 482-A:1.

2008-00870 NADEAU, JOSEPH & CATHERINE DURHAM Oyster River

Requested Action:

Construct a tidal docking structure consisting of a 4' x 20' permanent pier connecting to a 3' x 30' ramp connecting to a 20' x 10' float and associated float stops, overall structure length 58', providing one under-sized slip (as defined by RSA 482-A:2, VIII (a)), on 100' of frontage on the Oyster River.

Inspection Date: 08/21/2008 by Dori A Wiggin

APPROVE PERMIT:

Construct a tidal docking structure consisting of a 4' x 20' permanent pier connecting to a 3' x 30' ramp connecting to a 20' x 10' float and associated float stops, overall structure length 58', providing one under-sized slip (as defined by RSA 482-A:2, VIII (a)), on 100' of frontage on the Oyster River.

With Conditions:

1. All work shall be in accordance with plans by Pickering Marine, dated 5/9/2008, as received by the Department on 5/23/2008.
2. Any future work in jurisdiction as specified in RSA 482-A on this property will require a new application and approval by the Department of Environmental Services ("DES") Wetlands Bureau.
3. This permit shall not be effective until recorded at the Strafford County Registry of Deeds Office by the permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau prior to construction.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain in until the area is stabilized.
5. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. Construction of this tidal docking structure consisting of a 4' x 20' permanent pier connecting to a 3' x 30' ramp connecting to a 20' x 10' float and associated float stops, overall structure length 58', providing one under-sized slip (as defined by RSA 482-A:2, VIII (a)), on 100' of frontage on Durham Tax Map 10, Lot 20-2, on the Oyster River shall be the only dock structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
7. Work shall be done during low tide.
8. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
9. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(a), projects in sand dunes, tidal wetlands, or bogs, except for the repair of existing structures pursuant to Wt 303.04(v).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01. There is currently no docking structure on the property to provide access to the water.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03. The permanent pier is constructed to cross the vegetated tidal resource. The ramp and floats are seasonal, and the structure is the minimum length necessary to reach usable water on the Oyster River, and is consistent with, or shorter than, docks recently approved in the immediate vicinity.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) and (c), Requirements for Application Evaluation, has been considered in the design of the project. Several species of concern were reported by the NH Natural Heritage Bureau for the greater project vicinity, however review finds that all are located well away from the project area, and would not be affected by the dock construction. This project has been reviewed by the Pease Development Authority Division of Ports and Harbors which determined that the project would have no negative effect on navigation, per letter dated 6/3/2008; and the dock is located greater than 20 feet off the abutting property lines.
5. The Durham Conservation Commission provided comments on the application, to which DES finds as follows:
 - a. relative to reducing the support piling number from 2 to 1 on each side of the pier, DES concurs with the applicant that the stability and durability over time of the pier would be compromised with less support considering the tidal action and ice pressure present each winter;
 - b. relative to the dock's presence reducing the unobstructed scenic value of the river, DES finds that tidal docking structures are a common part of the scenery throughout this river, (for instance, there are docks on both the abutting properties), and the addition of this dock, which is small in comparison to other approved tidal docks, will not diminish the river's scenic value;
 - c. relative to the potential impacts to the marsh by seasonal removal of the ramp and float, the applicant has responded that the ramp and float will be pulled up directly onto the permanent pier for winter storage to avoid any possible impact to the marsh;
 - d. relative to the applicant procuring an easement from the abutter to share that dock as an alternative to construction of the applicant's own dock: the abutter's dock provides only one under-sized slip for the use of the abutter. The abutter is under no obligation to grant an easement or enlarge their dock for the use of a separate property, nor does DES have the authority to require

this as an alternative to an application that otherwise complies with wetlands requirements for an approvable dock.

6. This application has received review of the federal PGP Joint Processing Meeting on 6/25/2008, and deemed eligible as proposed by the National Marine Fisheries ("NMFS").

7. This dock is consistent with other tidal dock approvals in the seacoast.

8. DES staff field inspection on 8/21/2008 found that the site is accurately represented in the application.

-Send to Governor and Executive Council-

2008-00871 FAITH FAMILY TRUST, RON SLADE
GILFORD Lake Winnepesaukee

Requested Action:

Repair an existing 40 ft long breakwater with a 2 ft x 45 ft cantilevered dock, repair an existing 6 ft x 30 ft permanent dock supported by two 6 ft x 6 ft cribs, replace an existing 4 ft x 16 ft seasonal dock with a 6 ft x 40 ft seasonal dock attached to a 4 ft x 6 ft concrete pad on an average of 391 ft of frontage on Lake Winnepesaukee, Gilford.

Conservation Commission/Staff Comments:

The local Con Com submitted a letter requesting a 40 day hold on May 23, 2008, however no follow up report from the Con Com had been received by August 22, 2008.

APPROVE PERMIT:

Repair an existing 40 ft long breakwater with a 2 ft x 45 ft cantilevered dock, repair an existing 6 ft x 30 ft permanent dock supported by two 6 ft x 6 ft cribs, replace an existing 4 ft x 16 ft seasonal dock with a 6 ft x 40 ft seasonal dock attached to a 4 ft x 6 ft concrete pad on an average of 391 ft of frontage on Lake Winnepesaukee, Gilford.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated May 05, 2008, as received by DES on May 23, 2008.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
3. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
4. Breakwater and permanent dock repair shall maintain existing size, location and configuration.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
6. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
7. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
8. The seasonal pier shall be removed from the lakebed for 5 months during the non-boating season.
9. No portion of the seasonal pier shall extend more than 40 feet from the shoreline at full lake elevation.
10. The concrete pad shall be located completely behind the normal high water mark elevation.
11. Existing crib rocks shall be reused for crib replacements. No additional rocks shall be brought in and/or used.
12. Existing breakwater rocks shall be reused. No additional rocks from shall be brought in and/or used.
13. This permit does not authorize dredging of the lakebed, and/or navigational hazard removal of natural rocks that are not part of existing cribs or breakwaters.
14. Construction debris shall be placed outside of Wetlands Bureau jurisdiction.
15. This permit does not authorize boat lift or personal watercraft lift installation.
16. This permit does not permit the deposition of sand for any purpose, including beach replenishment.
17. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(d), modification of a major docking system defined by Env-Wt 101.53.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. DES Staff conducted a field inspection of the proposed project on August 01, 2008. Field inspection determined proposed project was the least impacting alternative for the site.
5. In accordance with RSA 428-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of Lake Winnepesaukee as identified under RSA 482-A:1.
6. This site meets the frontage criteria for 5 boatslips.

-Send to Governor and Executive Council-

MINOR IMPACT PROJECT

2006-03144 MANCHESTER HOUSING & REDEVELOPMENT CORPORATION
MANCHESTER Unnamed Wetland

Requested Action:

Proposal to dredge and fill approximately 13,047 sq. ft. of wetlands for access to the first phase of a commercial development ("Northwest Business Park") on a 425 acre parcel. Proposed mitigation was for a 5.64 acres conservation easement parcel adjacent to existing conservation lands.

Inspection Date: 05/07/2007 by William A Thomas, Cws

APPROVE PERMIT:

Dredge and fill 5,010 sq. ft. of wetlands (includes 184 liner feet of intermittent stream impacts) for access and lot grading for the first phase of a 13 lot commercial development ("Northwest Business Park") on a 425 acre parcel. Work in wetlands for access and grading for lot 1 consists of the following: "Wetland Crossing #1" consisting of 318 sq. ft. of wetlands impact for installation of a 12 in. x 52 ft. RCP culvert with associated inlet and outlet protection, filling and grading, "Wetland Crossing #2" consisting of 448 sq. ft. of wetlands impact for installation of a 18 in. x 45 ft. RCP culvert associated inlet and outlet protection, filling and grading and 174 sq. ft. of wetlands impact for parking lot side slope grading; work in wetlands for access to lot 10 "Wetlands Crossing #3" consists of 4,070 sq. ft. of wetland impact for installation 36 in. x 30 ft. RCP culvert, associated inlet and outlet protection, filling and grading.

With Conditions:

1. All work shall be in accordance with plans by Oest Associates, Inc., revision dated April 11, 2008, as received by DES on April 11, 2008 and revised plan sheets Drawing No. C-101 and C-102 revision dated June 25, 2008, DR-301 revision dated July 21, 2008, WL-2 titled "Overview of Vernal Pool & Wetland Protection Areas - 2" revision dated June 30, 2008, and wetland crossing sketch plans Sketch No: WL-1 through WL-3 date June 2008, and narratives by Gove Environmental Services, Inc., dated July 20, 2008, as received by DES on July 22, 2008 and Drawing No. WL-1 revision dated August 13, 2008 titled "Overview of Vernal Pool & Wetland Protection Areas - 1", as received by DES on August 15, 2008.
2. This permit is contingent on approval by the DES Alteration of Terrain Program.
3. At least 72 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff and the United States Environmental Protection Agency ("USEPA") at the project site or at the DES

- Office in Concord, NH. to review the conditions of this wetlands permit and the DES Alteration of Terrain Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
4. As required by the USEPA the final conservation easements and deed restrictions for the vernal pool and wetland protection/sensitive protection areas within the phase 1 development area as identified in the aforementioned plans shall be finalized within 1 year of this approval and the areas identified in phase II of the future development shall be finalized within 3 years of this approval. The required information shall be submitted to and approved by the EPA with copies of all approved information submitted to DES Wetlands Bureau File #2006-03144.
 5. The boundaries of the vernal pool and wetland protection/sensitive protection areas shall marked in the field before the start of construction to prevent accidental encroachment and damage to these areas.
 6. The project development shall comply with the Supplemental Environmental Project Program ("SEPP") agreement between the City of Manchester, USEPA and NHDES.
 7. The existing pavement removal and restoration for the Sensitive Development Area ("SDA") located on lot 9 shall be completed before or during the start of development of any of the lots in the subdivision.
 8. A qualified environmental professional shall monitor the site during construction to assure the project is constructed in accordance with the approved plans and SEPP agreement.
 9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
 10. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
 11. Orange construction fencing shall be placed at the limits of construction adjacent to wetlands or surface waters to prevent accidental encroachment.
 12. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback for the proposed building lots contained in "Phase 1" of the subdivision.
 13. The deed which accompanies the sales transaction for each of the 12 building lots in Phase 1 of the subdivision shall contain condition #12 of this approval.
 14. This permit shall not be effective until it has been recorded with the Hillsborough County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
 15. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
 16. There shall be no excavation or operation of construction equipment in flowing water.
 17. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
 18. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
 19. Proper headwalls shall be constructed within seven days of culvert installation.
 20. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
 21. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
 22. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
 23. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
 24. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
 25. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
 26. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(l) Projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Env-Wt 303.04(n).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. On March 21, 2007, DES received comments from one resident of Manchester. The comments were in regards to concerns of negative impacts the development could have on the property and wetlands on the site and adjacent lands owned by The Nature Conservancy ("TNC") and the sensitive wetland communities existing on these lands and the development site.
6. The impacts to wetlands have been reduced from approximately 14,000 sq. ft. of impacts to 5,010 sq. ft. of wetlands impact.
7. The applicant has further investigated the stream impact area for the access road to lot-10 and has determined it is an intermittent stream.
8. The applicant has further minimize and avoided impacts to wetlands as demonstrated by the reduced wetlands impacts, innovative stormwater techniques proposed and as demonstrated by the findings included in this approval.
9. DES Staff conducted a field inspection of the proposed project on May 7, 2007. It was determined through the site inspection that the proposed wetland crossing areas appear to be much lower function and value drainage areas as compared to the well documented high functions and values of the remaining wetlands on and adjacent to the proposed development area.
10. The proposed wetland impact areas are not within any identified exemplary natural communities or areas identified to contain state or federally listed endangered or threatened species.
11. The applicant has identified a small Atlantic White Cedar and Black Gum swamp on lot-6. The applicant has voluntarily protected this area through a conservation easement on 5.6 acre area adjacent to TNC lands.
12. The applicant has been working with the United States Environmental Protection Agency ("USEPA") to protect the vernal pools on the 425 acre parcel.
13. A vernal pool survey was conducted by the applicant and partial survey by USEPA.
14. The applicant is providing 100 foot to 250 foot protection buffers on the vernal pools found to be significant.
15. The applicant has protected a total of 23.5 acres through deed restrictions and 47.5 acres through conservation easements. These areas include the buffers to two Sensitive Development Areas ("SDAs"), vernal pool buffers and protection of the newly identified White Cedar and Black Gum swamp on lot-6.
16. On March 30, 2007, DES received a comment and recommendation letter from TNC regarding the proposed development. TNC made several recommendations for the proposed project.
17. The applicant has revised the project to attempt to address the recommendations. The applicant has provided 100 foot buffers to the SDAs on lots 8 and 9, utilizing impervious pavement on all new road and parking surfaces within the project areas and have been working within the project engineer, DES Alteration of Terrain Program ("AOT") and the University of New Hampshire Stormwater Management Research Center to development a stormwater management plan that will protect water quality on and off the site.
18. The proposed vertical curbing has been removed from the project to reduce negative impacts to wildlife movement on the property.
19. The project development is contingent on compliance with the Supplemental Environmental Project Program ("SEPP") agreement between the City of Manchester, USEPA and NHDES.
20. This approval is contingent on approval by the DES AOT.
21. The project is being reviewed by AOT for compliance of the stormwater treatment and detention methods with the SEPP agreement.
22. A waiver has been submitted in accordance with Administrative Rule Part Env-Wt 204 to address the conceptual layout for future phase section of Administrative Rule Env-Wt 304.09(c).
23. The proposed phase of this project is on approximately 103 acres of the 425 acre parcel.
24. The applicant has provided plans that depict and classify all existing wetlands and topography on the entire 425 acre parcel.
25. The applicant has provided all required plans for the current phase of the project.
26. The proposed project utilizes the previously constructed paved subdivision access. This access did not require any additional wetlands impacts.
27. The applicant has identified all vernal pools on the 425 acre parcel and has provided protection buffers from 100 to 250 feet on pools identified as significant.
28. The permit is contingent on additional permitting for any future impacts to wetlands or surface waters on the property.

29. The applicant has addressed and met the waiver criteria per Env-Wt 204.04.
30. Based on findings #23 through #29 the waiver request was approved.

2007-02802 PHELPS, JAMES & JOHN LANE
DANBURY Unnamed Wetland

Requested Action:

Dredge and fill a total of 3335 square feet for the proposed subdivision of 54 acres into 3 single family lots.

APPROVE PERMIT:

Dredge and fill a total of 3335 square feet for the proposed subdivision of 54 acres into 3 single family lots.

With Conditions:

1. All work shall be in accordance with plans by Central Land Surveying revised through July 18, 2008 as received by the Department on July 24, 2008 and Subdivision Plans by Central Land Surveying dated May 22, 2008, as received by the Department on July 24, 2008.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #3 of this approval.
5. Work shall be done during periods of non-flow.
6. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Proper headwalls shall be constructed within seven days of culvert installation.
9. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
11. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
12. Silt fencing must be removed once the area is stabilized.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(1), projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Env-Wt 303.04(n).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

2007-02846 CANAAN, TOWN OF
CANAAN Orange Brook

Requested Action:

Shim outlet of existing multiple box culvert under Transfer Station Road, encase ductile iron sewer force main in concrete, and reconstruct stream channel to simulate natural channel conditions.

Conservation Commission/Staff Comments:

RFMI: Plans with PE stamp requested 10 Dec 2007. See Phone Log. MAM

APPROVE PERMIT:

Shim outlet of existing multiple box culvert under Transfer Station Road, encase ductile iron sewer force main in concrete, and reconstruct stream channel to simulate natural channel conditions.

With Conditions:

1. All work shall be in accordance with plans and sketches by Michael Capone as received by DES on August 18, 2008.
2. Unconfined work within the river, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
3. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
4. Prior to commencing work on a structure located within surface waters, a cofferdam shall be constructed to isolate the structure work area from the surface waters.
5. Temporary cofferdams shall be entirely removed immediately following construction.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. DES and NH Fish and Game Department shall be notified at least 5 days prior to commencement of work and DES personnel must be on-site at the start of construction.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(i), disturbance of more than 200 linear feet of a perennial stream and its banks.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on July 9, 2008. Field inspection determined that the work proposed was reasonable and, in fact, necessary for protection of public health. Failure to protect the sewer force main and reconstruct the stream channel could lead to a break of the sewer force main and severe contamination of Orange Brook.
6. In accordance with RSA 428-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of the riverine resource, as identified under RSA 482-A:1.
7. NH Fish and Game has reviewed the sketches of the proposed work and supports the plan.
8. Applicant agrees that DES and/or NH Fish and Game personnel will be on-site at the start of construction and as needed during the course of the construction.

2008-00090 WHITAKER, HAROLD & THOMAS FADDEN
CONWAY Unnamed Wetland

Requested Action:

Dredge and fill 15,050 sq. ft. of forested wetlands with 80 linear ft. of associated intermittent stream impact for access to a proposed 33-lot residential subdivision. Work in wetlands includes retaining and upgrading the existing access road wetland impacts and replacing an existing 15 in. CMP culvert with a 49 in. x 33 in. x 62 ft. arch culvert embedded with natural streambed materials. Compensatory mitigation for wetland impacts consists of a offsite 7.9 acre upland buffer conservation easement parcel adjacent to existing conservation lands.

APPROVE PERMIT:

Dredge and fill 15,050 sq. ft. of forested wetlands with 80 linear ft. of associated intermittent stream impact for access to a proposed 33-lot residential subdivision. Work in wetlands includes retaining and upgrading the existing access road wetland impacts and replacing an existing 15 in. CMP culvert with a 49 in. x 33 in. x 62 ft. arch culvert embedded with natural streambed materials. Compensatory mitigation for wetland impacts consists of a offsite 7.9 acre upland buffer conservation easement parcel adjacent to existing conservation lands.

With Conditions:

1. All work shall be in accordance with plans by H.E. Bergeron Engineers, Inc., plan sheets 1 and 2 of 8 revision dated September 13, 2007, plan sheet 3 of 8 revision dated January 11, 2008, plan sheets 4 and 5 of 8 revision dated July 15, 2008 and "Overall Wetland Impact Plan" dated January 11, 2008, as received by DES on July 25, 2008.
2. This permit is contingent on approval by the DES Alteration of Terrain Program.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. Work shall be done during low flow.
5. Native material removed from the streambed during culvert installation, shall be stockpiled separately and reused to emulate a natural channel bottom within the culvert. Any new materials used within the culvert or adjacent streambed must be similar to the natural stream substrate and shall not include angular rip-rap.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
8. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
9. The deed which accompanies the sales transaction for each of the lots in the subdivision shall contain condition #8 of this approval.
10. This permit shall not be effective until it has been recorded with the Carroll County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
11. A post-construction report shall be prepared by a qualified professional. The report shall document the status of arch culvert installation with photographs and narratives and be submitted to the Wetlands Bureau within 60 days of the completion of construction.
12. There shall be no excavation or operation of construction equipment in flowing water.
13. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
14. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
15. Proper headwalls shall be constructed within seven days of culvert installation.
16. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
17. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
18. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
19. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
20. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
21. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
22. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

Wetland preservation:

23. This permit is contingent upon the execution of a conservation easement on 7.94 acres as depicted on plans received February 29, 2008.
24. The conservation easements to be placed on the preservation areas shall be written to run with the land, and both existing and future property owners shall be subject to this easement.
25. The plan noting the conservation easement with a copy of the final easement language shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to the start of construction.
26. The applicant shall prepare a report summarizing existing conditions within the conservation area. Said report shall contain photographic documentation of the easement area, and shall be submitted to the DES and the grantee prior to construction to serve as a baseline for future monitoring of the easement area.
27. The conservation easement area shall be surveyed by a licensed surveyor, and marked by monuments [stakes] prior to construction.
28. The Wetlands Bureau shall be notified of the placement of the easement monuments to coordinate on-site review of their location prior to construction.
29. There shall be no removal of the existing vegetative undergrowth within the easement area and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.
30. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h) Projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Env-Wt 303.04(f)
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES received a copy of a letter from The US Army Corps of Engineers ("ACOE") to the applicant stating the project was ineligible for the NH Programmatic General Permit ("PGP") due to questions regarding culvert sizing, lack of a vernal pool survey and onsite restoration opportunities for mitigation.
6. The certified wetland scientist working on the project has indicated that there are no vernal pools on the site.
7. The proposed stream crossing has been redesigned to address the current New Hampshire Fish and Game Department's Stream Crossing Guidelines.
8. The engineer for the project has indicated that the new culvert design will pass a 100-year storm event.
9. The existing wetland impact area provides the only access to Conway Road.
10. There are no other wetland restoration opportunities on site and the applicant has provided a mitigation parcel adjacent to other conservation lands.
11. The proposed compensatory mitigation complies with DES requirements.
11. DES has not received any further correspondence from the ACOE regarding the status of the project for the PGP.
12. The project was previously submitted and processed as Wetlands Bureau File #2007-0413.
13. The application was denied untimely because the applicant did not address the requested additional information within 120 days of the request.
14. The abutter to the proposed project had submitted comments in objection to the previously proposed project/file.
15. The project has been revised to remove a proposed driveway from the abutter's property and move the wetland impacts 20 feet from the abutting property.
16. The impacts to wetlands have been further reduced by approximately 5,000 sq. ft. and the proposed stream crossing has been re-designed to an appropriately sized stream crossing.
17. On June 20, 2008, DES received an e-mail from the abutter that objected to the previous application/file submittal. The abutter requested the status of the project.
18. DES responded to the abutter by e-mail on June 23, 2008 regarding the status of the new application/file and provided the abutter with a copy of the more information request ("RFMI") sent to the applicant on May 16, 2008.

19. The applicant responded to the RFMI on July 25, 2008.
20. DES has not received any other correspondences from the abutter.

2008-00270 161 WILTON ROAD LLC, JACK BELLETETE
PETERBOROUGH Unnamed Stream

Requested Action:

Dredge and fill 900 square feet (53 linear feet) of intermittent stream and 5,777 square feet of palustrine emergent excavated wetlands for access to and construction of a 55-unit condominium development on \pm 13.92 acres.

APPROVE PERMIT:

Dredge and fill 900 square feet (53 linear feet) of intermittent stream and 5,777 square feet of palustrine emergent excavated wetlands for access to and construction of a 55-unit condominium development on \pm 13.92 acres.

With Conditions:

1. All work shall be in accordance with plans by Nobis Engineering, Inc. dated January 2008, and revised through June 27, 2008, and July 15, 2008, as received by the Department on July 24, 2008.
2. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.
3. This permit is contingent on approval by the DES Alteration of Terrain Program.
4. This permit is contingent on approval by the DES Subsurface Systems Bureau.
5. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
6. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition # 5 of this approval.
7. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
8. Work shall be done during low flow conditions.
9. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
10. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
11. Orange construction fencing shall be placed at the limits of construction within or directly adjacent to wetlands or surface waters to prevent accidental encroachment on wetlands.
12. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
13. Proper headwalls shall be constructed within seven days of culvert installation.
14. Culverts shall be laid at original grade.
15. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
16. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h), projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Env-Wt 303.04(f).
2. The applicant removed projects activities within 20 feet of abutting property lines, and therefore permission pursuant to Env-Wt 304.04 is not required.
3. The appliaiton revised the intermittent stream crossing to a conventional culvert without catch basins that maintain the natural and a consistent stream bed elevation.

4. The palustrine emergent wetlands formed when the foundations of the historic egg farm buildings were removed.
5. No comments were submitted from federal agencies, the NHFG Nongame and Endangered Wildlife Program, the Natural Heritage Bureau, or the Peterborough Conservation Commission.
6. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
7. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
8. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

MINIMUM IMPACT PROJECT

2007-02612 BLOOD, ANN
EAST WAKEFIELD Belleau Lake

Requested Action:

Replace 100 linear feet of retaining wall on Belleau Lake, Wakefield.

Conservation Commission/Staff Comments:

No Con Com comments by Feb 01, 2008

APPROVE PERMIT:

Replace 100 linear feet of retaining wall on Belleau Lake, Wakefield.

With Conditions:

1. All work shall be in accordance with plans as received by DES on July 25, 2008.
2. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
3. Work shall be done during drawdown.
4. Repair shall maintain existing size, location and configuration.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(c), repair of existing retaining walls that is performed "in the dry" during drawdown.

2008-00127 DEGROOT, KEVIN
WILTON Unnamed Wetland

Requested Action:

Dredge and fill approximately 2,850 sq. ft. of palustrine forested and wet meadow wetlands to install a closed drainage system for the reconstruction of the historic Old Fellows Hall building to three residential units.

APPROVE PERMIT:

Dredge and fill approximately 2,850 sq. ft. of palustrine forested and wet meadow wetlands to install a closed drainage system for the reconstruction of the historic Old Fellows Hall building to three residential units.

With Conditions:

1. All work shall be in accordance with plans by Monadnock Survey, Inc., dated December 11, 2007, and revised through June 11, 2008, as received by the DES Wetlands Bureau on July 24, 2008.
2. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.
3. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.
4. Work shall be done during low flow conditions.
5. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
6. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
7. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Orange construction fencing shall be placed at the limits of construction within or directly adjacent to wetlands or surface waters.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. Culverts shall be properly rip-rapped.
11. Proper headwalls shall be constructed within seven days of culvert installation.
12. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
13. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
14. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
15. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), alteration of less than 3,000 square feet of wetlands.
2. In correspondence dated May 31, 2008, the Wilton Conservation Commission summarized why the proposed project is the best solution for this situation.
3. The applicant has received written consent from the owners of lots 14, 15, 17 & 18 (Tax Map J), abutters to the property on which project activities will take place, for work within 20 feet of their property lines, in accordance with Env-Wt 304.04(a).
4. The proposed drainage system will maintain the existing flow path.
5. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 6. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2008-00742 IGNATOWSKI, BRIAN
LEMPSTER Sand Pond**

Requested Action:

Permanently remove the existing seasonal dock and construct a 4 ft x 48 ft seasonal dock with a 6 ft x 8 ft "L" shaped seasonal section on 160 ft of frontage on Sand Pond, Lempster.

Conservation Commission/Staff Comments:

Con Com has concerns about the requested length

APPROVE PERMIT:

Permanently remove the existing seasonal dock and construct a 4 ft x 48 ft seasonal dock with a 6 ft x 8 ft "L" shaped seasonal section on 160 ft of frontage on Sand Pond, Lempster.

With Conditions:

1. All work shall be in accordance with plans by Brian Ignatowski as received by DES on August 08, 2008.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
4. Seasonal pier shall be removed from the lake for the non-boating season.
5. No portion of the pier shall extend more than 48 feet from the shoreline at full lake elevation.
6. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(a), construction of a seasonal dock.
2. The applicant submitted dated water depths to support the request for the longer dock.

2008-00978 DODGE, JEFFREY
LANDAFF Unnamed Stream

Requested Action:

Dredge and fill approximately 1600 sq. ft. (includes a previously non-permitted impact area) of forested wetlands and 45 linear feet of associated intermittent stream to replace/upgrade a previously installed 24 in. CMP and attached 18 in. HDPE x 40 ft. culvert with a 36 in. x 36 ft. HDPE culvert and associated headwalls and install a 18 in. x 36 ft. flood flow culvert with associated outlet protection for access to single family home.

APPROVE PERMIT:

Dredge and fill approximately 1600 sq. ft. (includes a previously non-permitted impact area) of forested wetlands and 45 linear feet of associated intermittent stream to replace/upgrade a previously installed 24 in. CMP and attached 18 in. HDPE x 40 ft. culvert with a 36 in. x 36 ft. HDPE culvert and associated headwalls and install a 18 in. x 36 ft. flood flow culvert with associated outlet protection for access to single family home.

With Conditions:

1. All work shall be in accordance with plans by Headwaters Hydrology PLLC, dated May 2008, as received by DES on June 6, 2008.
2. Work shall be done during low flow.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Proper headwalls shall be constructed within seven days of culvert installation.
7. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will

require a new application and approval by the Bureau.

8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

9. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

10. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.

11. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(z) Installation of a culvert or bridge and associated fill to permit vehicular access to a piece of property for a single family building lot or for noncommercial recreational uses

2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

5. The proposed project accounts for impacts that were previously conducted at the crossing site without a permit.

6. The proposed project upgrades the existing undersized culvert.

**2008-01604 CLARKSVILLE, TOWN OF
CLARKSVILLE Unnamed Wetland Clarksvill Pond Brook**

Requested Action:

Stabilize 960 sq. ft. of recently collapsed roadway embankment and adjacent stream bank along Clarksville Pond Road and Clarksville Pond Brook.

APPROVE PERMIT:

Stabilize 960 sq. ft. of recently collapsed roadway embankment and adjacent stream bank along Clarksville Pond Road and Clarksville Pond Brook.

With Conditions:

1. All work shall be in accordance with plans by the Town of Clarksville, as received by DES on August 11, 2008.

2. The Town shall obtain temporary construction easements or written permission from affected landowners outside of the existing road right-of-way before the start of construction. The permission or easements shall be submitted to DES Wetlands Bureau File No. 2008-1604.

3. Work shall be done during annual low flow conditions.

4. There shall be no excavation or operation of construction equipment in flowing water.

5. Areas from which vegetation has been cleared to gain access to the site shall be replanted with like native species.

6. There shall be no work in the stream bed and no placement of rip-rap or other fill material in the stream.

7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.

9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

11. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
12. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
13. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(o) Projects deemed minimum impact by the department based on the degree of environmental impact.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
4. The roadway side slope has recently failed threatening the stability of the public road.
5. The work is needed to assure safe passage for the public.
6. DES has received correspondence in support of the project from the direct abutter/land owner outside of the town's road right-of-way.

FORESTRY NOTIFICATION

2008-01370 JORDAN, KENNETH
BOW Unnamed Stream Bow Prime Wetland #32

COMPLETE NOTIFICATION:
Bow Tax Map 33, Lot# 60

2008-01614 CROWLEY, JEFF
CARROLL Unnamed Stream

COMPLETE NOTIFICATION:
Carroll Tax Map 204, Lot# 37

2008-01615 PENNICHUCK CORP, DON UARE
MERRIMACK Unnamed Stream

COMPLETE NOTIFICATION:
Merrimack Tax Map 2C, Lot# 66-1

2008-01616 SWEET, ROGER & ANN
SULLIVAN Unnamed Stream

COMPLETE NOTIFICATION:
Sullivan Tax Map 3, Lot# 83-1

2008-01617 MERCURIO, THOMAS
MERRIMACK Unnamed Stream

COMPLETE NOTIFICATION:
Merrimack Tax Map 4A, Lot# 15

EXPEDITED MINIMUM

2008-00284 FRITZ, CARLA
DOVER Unnamed Wetland

Requested Action:
Dredge and fill 770 sq. ft. of forested wetlands to construct a driveway to a single family house lot.

APPROVE PERMIT:
Dredge and fill 770 sq. ft. of forested wetlands to construct a driveway to a single family house lot.

With Conditions:

1. All work shall be in accordance with plans by Atlantic Survey Co. dated 6/16/2008, as received by the Department on 7/30/2008.
2. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. No fill shall be done to achieve septic setback and no dredging shall take place that would contradict the DES Subsurface Systems Bureau rules.
5. There shall be no further alteration of wetlands for lot development, driveways, or additional culverts.
6. No fill shall take place in Atlantic white cedar swamps.
7. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
8. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
10. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. Work shall be done during low flow.
13. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(z), installation of fill for access to a single family building lot.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01: the applicant must cross the wetland, which runs across the lot, to access the buildable upland area.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas

and environments under the department's jurisdiction per Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

The there were no species of concern reported by the NH Natural Heritage Bureau for the project vicinity.

5. The Dover Conservation Commission signed the expedited application.

6. The permit has been conditioned according to the location of the site in the impaired water buffer.

2008-00878

US DEPT OF INTERIOR, NATIONAL PARK SERVICE

CORNISH Blow-me-down Brook

Requested Action:

Maintenance dredge 700 sq. ft. and repair dam at Saint-Gaudens National Historic Site, Blow-Me-Up Ravine Dam/Pond.

APPROVE PERMIT:

Maintenance dredge 700 sq. ft. and repair dam at Saint-Gaudens National Historic Site, Blow-Me-Up Ravine Dam/Pond.

With Conditions:

1. All work shall be in accordance with plans by Stephen A. Walasewicz, dated August 21, 2008, as received by the Department on August 21, 2008.
2. The applicant shall coordinate with the NH Fish and Game Department to address any future fish passage concerns.
3. All work shall be done in the dry/ frozen conditions/ low water/ or under draw down conditions.
4. Appropriate erosion, siltation and turbidity controls shall be installed prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Machinery shall not be located within surface waters, where practicable.
6. Machinery shall be staged and refueled in upland areas.
7. Dredged spoils shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of twenty (20) feet of undisturbed vegetated buffer.
9. Work shall not cause violations (sedimentation and turbidity) of surface water quality standards, in accordance with Env-Ws 1700.
10. Within three calendar days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(k), maintenance dredge, when necessary to provide continued usefulness of man-made ponds and Env-Wt 303.04(x), maintenance, repair or replacement of a non-docking structure such as a dam.
2. The historic dam failed in 2006/2007.
3. The dam is on the U.S. Department of Interior, National Park Service, Saint-Gaudens National Historic Site and is included on the park's List of Classified Structures (#40889).
4. The project entails utilizing a Student Conservation Association crew, through the New Hampshire Conservation Corps program to remove the accumulated gravel and sediment by hand from the impoundment and reconstruct the fieldstone dam in order to restore the historic appearance of the dam and recreational pool.
5. This permit requires the applicant shall coordinate with the NH Fish and Game Department to address any future fish passage concerns.
6. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
7. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas

and environments under the department's jurisdiction per Env-Wt 302.03.

8. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2008-01118 ZUCCOLA, JOSEPH
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Repair 4 existing retaining walls in kind on the frontage, wall 1 approximately 10 ft long, wall 2 approximately 12 ft long, wall 3 approximately 62 ft long, wall 4 approximately 20 ft long, and replace an existing wooden stairway with field stone steps on Lake Winnepesaukee, Moultonborough.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Repair 4 existing retaining walls in kind on the frontage, wall 1 approximately 10 ft long, wall 2 approximately 12 ft long, wall 3 approximately 62 ft long, wall 4 approximately 20 ft long, and replace an existing wooden stairway with field stone steps on Lake Winnepesaukee, Moultonborough.

With Conditions:

1. All work shall be in accordance with plans by New Hampshire Environmental Consultants revision dated July 22, 2008, as received by DES on July 23, 2008.
2. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Repair shall maintain existing size, location and configuration.
5. Retaining wall shall be constructed landward of the shoreline defined by the elevation of normal high water so as not to create land in public water.
6. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(c), repair of existing walls.

2008-01280 PSNH
WEARE Unnamed Wetland

Requested Action:

Dredge and fill 7 sq. ft. of wetlands to install five (5) PSNH utility poles within the Twin Bridge Road town right-of-way.

APPROVE PERMIT:

Dredge and fill 7 sq. ft. of wetlands to install five (5) PSNH utility poles within the Twin Bridge Road town right-of-way.

With Conditions:

1. All work shall be in accordance with plans by Public Service of New Hampshire dated June 18, 2008, as received by the DES Wetlands Bureau on July 11, 2008.

2. Work shall be done during low flow conditions.
3. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), alteration of less than 3,000 square feet of wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2008-01387 FERNALD, JAMES & DEBORAH STEVENS
NOTTINGHAM Bean River

Requested Action:

Dredge and fill approximately 192 sq. ft. of wetlands to repair an existing woods road bridge and its stone abutments within the Mulligan Forest conservation area.

APPROVE PERMIT:

Dredge and fill approximately 192 sq. ft. of wetlands to repair an existing woods road bridge and its stone abutments within the Mulligan Forest conservation area.

With Conditions:

1. All work shall be in accordance with plans by James Fernald dated 7/8/2008, as received by DES on 7/24/2008.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
2. Existing rocks which have fallen shall be used for repair. No Additional Rocks.
4. Work shall be done during low flow.
5. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
6. Faulty equipment shall be repaired prior to entering jurisdictional areas.
7. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
8. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(x), maintenance or repair of existing non-docking structures such as a culvert, headwall or bridge which complies with Env-Wt 303.04(x)(1)-(2).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The bridge was severely damaged during the April 2007 flooding.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The proposal represents a replacement in-kind, with no work or access to the construction in the water.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application

Evaluation, has been considered in the design of the project. There were no species of concern reported for the project area by the NH Heritage Bureau.

5. The Nottingham Conservation Commission signed the minimum expedited application.

2008-01394 ELLIOT REVOC TRUST, JANE
TUFTONBORO Lake Winnepesaukee

Requested Action:

Remove existing 6 ft x 30 ft seasonal dock and install a 6 ft x 40 ft seasonal dock achored to an existing concrete anchoring pad, install one seasonal boat lift, and two seasaonal personal watercraft lifts on 100 ft of frontage on Cow Island in Tuftonboro on Lake Winnepesaukee.

APPROVE PERMIT:

Remove existing 6 ft x 30 ft seasonal dock and install a 6 ft x 40 ft seasonal dock achored to an existing concrete anchoring pad, install one seasonal boat lift, and two seasaonal personal watercraft lifts on 100 ft of frontage on Cow Island in Tuftonboro on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated June 20, 2008, as received by DES on July 25, 2008.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
4. Seasonal pier, seasonal boatlift, and seasonal personal watercraft lifts shall be removed from the lake for five months during the non-boating season.
5. No portion of the pier shall extend more than 40 feet from the shoreline at full lake elevation.
6. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
7. Work authorized shall be carried out to avoid or minimize impacts to spawning and nursery areas during all times of the year.
8. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
9. This permit does not allow dredging for any purpose.
10. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.
11. No stumps shall be removed within 50 feet of the reference line per RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(a), construction or modification of a seasonal dock.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

LAKES-SEASONAL DOCK NOTIF

2008-00935 SWISS VIEW CONDO ASSN, BERNIE GALLAGHER, PRES
BRISTOL Newfound Lake

DISQUALIFY TRAIL/FORESTRY/DOCK NOTIFICTN:
Bristol, NH Tax Map 111 Lot 71
Newfound Lake

PERMIT BY NOTIFICATION

2008-01518 PSNH, PAUL MEEHAN
BOW Unnamed Wetland

Requested Action:
Temporarily impact 10,852 square feet of wetland within a Utility Right of Way to repair an existing utility line under frozen conditions.

PBN IS COMPLETE:
Temporarily impact 10,852 square feet of wetland within a Utility Right of Way to repair an existing utility line under frozen conditions.

2008-01546 NEWPORT, TOWN OF
NEWPORT Sugar River

Requested Action:
Riprap stabilize 45 linear feet (585 square feet) of Sugar River bank to protect existing sewer infrastructure.

PBN IS COMPLETE:
Riprap stabilize 45 linear feet (585 square feet) of Sugar River bank to protect existing sewer infrastructure.

With Findings:

1. The Conservation Commission signed the PBN waiving their right to intervene pursuant to RSA 482-A:3:11.
2. This project meets the criteria of NH Administrative Rule Env-Wt 506.01(a)(7), the maintenance, repair, or replacement of a nondocking structure that meets the criteria in Env-Wt 303.04(x).
3. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.
4. The proposed riprap stabilization is required to protect existing sewer infrastructure.
5. The town has received written permission for work on abutting properties.

2008-01626 PSNH, HUTTON SNOW
FRANKLIN Unnamed Wetland

Requested Action:

Dredge and fill 3000 square feet of previously disturbed wetland for access to repair existing transmission lines.

PBN IS COMPLETE:

Dredge and fill 3000 square feet of previously disturbed wetland for access to repair existing transmission lines.

CSPA PERMIT

2008-00706 THE MARION WINMILL REV TRUST
WINDHAM Unnamed Wetland Cobbett's Pond

Requested Action:

Replace an existing nonconforming primary structure located within the primary building setback (the "Setback") with a proposed nonconforming primary structure on property with approximately 135 ft of frontage on Cobbetts Pond in Windham.

WAIVER APPROVED: RSA 483-B:9, II is waived to allow new construction within the setback for primary buildings from the reference line.

APPROVE PERMIT:

Replace an existing nonconforming primary structure located within the primary building setback (the "Setback") with a proposed nonconforming primary structure on property with approximately 135 ft of frontage on Cobbetts Pond in Windham.

WAIVER APPROVED: RSA 483-B:9, II is waived to allow new construction within the setback for primary buildings from the reference line.

With Conditions:

1. All work shall be in accordance with revised building plans, stormwater control plans and landscaping by NHSC Inc. dated August 4, 2008 and received by the Department of Environmental Services ("DES") on August 14, 2008.
2. This permit shall not be effective until it has been recorded with the Rockingham County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
3. No more than 13.1% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The project as proposed will leave approximately 11,271 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state.
5. An initial vegetation monitoring report shall be submitted to DES by August 15, 2010 to review the success of the plantings and schedule remedial actions if necessary. This report shall be submitted to DES with photographs demonstrating the condition of the plantings, include any necessary remedial actions, and contain a schedule for completing the remedial actions. The report shall reference the Shoreland Permit number and be sent to the DES Wetlands Bureau, 29 Hazen Drive, Concord, NH 03302.
6. Proposed plantings shall have a 100% survival success rate upon post construction inspection from DES or the areas shall be replanted until the 100% success rate is achieved.
7. This permit is contingent upon approval of the proposed septic system by the NH Subsurface Systems Bureau.
8. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
9. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
10. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
11. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or

contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.

12. Any fill used shall be clean sand, gravel, rock, or other suitable material.

With Findings:

1. The existing structure, as identified on the town of Windham Tax Map 16 Lot D-6, is located within the 50 ft Setback to public waters and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the Comprehensive Shoreland Protection Act ("CSPA").
2. The existing primary structure is located approximately 1.5 ft from the reference line, has a footprint of approximately 1,149 sq ft and provide approximately 1,724 sq ft of living space.
3. The proposed structure will be located approximately 23.5 ft from the reference line, have a footprint of approximately 2,684 sq ft and provide approximately 5,368 sq ft of living space.
4. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming." More nearly conforming "means a proposal for significant changes to the location or size of the existing structures that bring the structures into greater conformity, or a proposal for changes to other aspects of the property, including but not limited to stormwater management, wastewater treatment or traffic volume or flow, or both types of proposal which significantly improve wildlife habitat or resource protection."
5. The Applicant has proposed to install a new septic system.
6. The Applicant has proposed to remove the landward portion of an existing boat launch occupying approximately 286 sq ft.
7. The Applicant has proposed to remove an existing garage occupying approximately 351 sq ft.
8. The Applicant has proposed to relocate approximately 1,887 sq ft of an existing road outside of the Setback.
9. The Applicant has proposed to revegetate disturbances associated with the relocation of the existing road and installation of the proposed septic system with live stakes.
10. The Applicant has proposed to plant native vegetation including Red Maple, Red Oak, White Oak, Nannyberry, Beaked Hazelnut, Shadbush, Chokecherry and White Spruce as specified on revised planting plans by NHSC Inc. dated August 4, 2008 and received by DES on August 14, 2008.
11. The Applicant has proposed to install stormwater controls consisting of infiltration trenches along the drip edges of the proposed structure for stormwater infiltration.
12. The Applicant has proposed to install a level spreader and filter strip to treat stormwater from a proposed culvert.
13. The Applicant's proposal will increase the setback of the primary structure from the reference line by approximately 22 ft, includes a new septic system, stormwater controls and native plantings.
14. Based on this information, the Department has determined that the Applicant's proposal is more nearly conforming with RSA 483-B, the CSPA, and provides at least the same degree of protection to the public waters, and, therefore, meets the requirements of RSA 483-B:11, II to be eligible for a waiver.